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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,501

11/05/2003

David C. Newkirk

7175-73835

6291

23643

7590

09/27/2005

BARNES & THORNBURG

11 SOUTH MERIDIAN

INDIANAPOLIS, IN 46204

EXAMINER

RAMIREZ, RAMON O

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,501

Applicant(s)

NEWKIRK, DAVID C.

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/6/04 *for*

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

This is the first Office Action corresponding to original filing. The application contains 20 claims.

Information Disclosure Statement

Receipt is acknowledged of Information Disclosure Statement filed Feb 6 and 9, 2004, which have been reviewed by the Examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lifters must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the

remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is considered indefinite since it fails to describe the invention. As understood the modules are not attachable to different portions of the suspension system; they are attached to the ends of the suspension system and pivotally adjusted thereon. No art is being applied against these claims

Allowable Subject Matter

Claims 12-20 are allowed, even though claim 12 should be amended to better define the invention.

The following is a statement of reasons for the indication of allowable subject matter: none of the art of record discloses modules pivotally attached to at least one arm

wherein both modules can be detached from the at least one arm and coupled together to form a cart to move the modules to a different location.

Proposed Amendment

As indicated above, the instant application contains allowable subject matter. The examiner proposes the following amendment to put the claims in condition for allowance.

1) A patient care apparatus comprising

a suspension system comprising at least one arm adapted to be secured to a ceiling and a pair of modules, each being pivotally coupled to said arm for pivoting movement along a vertical axis perpendicular to said arm, and decouplable from said arm, one of said modules being coupled to the other module ~~that are coupleable together~~ to form a cart to move the modules to a different location ~~and that are separable for attachment to different portions of the suspension system.~~

8) Cancelled

12) A patient care apparatus comprising

a first arm assembly,

a second arm assembly,

a first module pivotaly coupleable to the first arm assembly, the first module having a set of wheels that engage a floor when the first module is decoupled from the first arm assembly, and

a second module pivotally coupleable to the second arm assembly, the second module being decoupleable from the second arm assembly and coupleable to the first module to form a cart to move the modules to a different location.

As Applicant can see, the above claims do not change the scope of the original claims. The proposed amendment only adds language in order to better clarify the invention.

Claim 1 would recite that the modules are pivotally couple to at least one arm adapted to be secured to a ceiling, and decouple from the arm to form a cart to move the module to a different location. Claim 8 would be cancelled since its language is now in claim 1.

Reciting the suspension system comprising at least one arm adapted to be secured to a ceiling is basically functional language. Claiming the modules pivotally attached only clarifies how the invention works. The claim must recite that the modules are decouple from the arm and couple to each other to clarify how they form a cart, and to say that the cart is use to move the modules to a different location also clarify the purpose of why the modules are couple to each other to form a cart.

Claim 12 only adds that the modules are pivotally secured and that the cart moves the coupled modules to a different location. The reason for this is explained above.

This amendment was fax to Applicant for consideration but Applicant felt more time was needed to review it.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schwartz (4,607,897) and Gallant et al. (US 20030014817A1) show other devices of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI, can be reached on (571) 272-6788.


The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3632

A shortened period for response to this Office Action expires **THREE MONTHS**
from the mailing date of this action.

ROR
September 20, 2005


RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632